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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOSEPH LANGAN and LORA LANGAN,
husband and wife, individually, and as the
Parents and Legal Guardians of OWEN
PATRICK LANGAN, a minor,

Plaintiffs,

v.

BJ'S WHOLESALE CLUB, INC., a foreign
corporation,

Defendant,

and

BJ'S WHOLESALE CLUB, INC., a foreign
corporation,

Defendant/Third-Party
Plaintiff,

v.

BURRIS REFRIGERATED LOGISTICS,

Third-Party Defendant,

and

BURRIS REFRIGERATED LOGISTICS,

Civil Action No. 04-4138(KSH)

ORDER APPROVING

MINOR SETTLEMENT

RECEIVED

JAN 22 2007

WILLIAM F. HENRY, CLERK

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| <p>Third-Party Defendant/Fourth-Party Plaintiff,</p> <p>v.</p> <p>SMITHFIELD FOODS, INC., d/b/a MOYER PACKING COMPANY, a foreign corporation, and TAYLOR PACKING CO., INC., a foreign corporation,</p> <p>Fourth-Party Defendants.</p> | |
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ORDER APPROVING MINOR SETTLEMENT

This matter having been brought before the Court by Kilstein & Kilstein, LLC, and The Marler Clark Law Firm, attorneys for the Plaintiffs, and the Plaintiffs having reported to the Court their desire to settle this matter by total payment to the Plaintiffs in the sum of \$900,000.00, without costs, and the Court having read Plaintiffs' Petition for Approval of Minor Settlement, and the Court having heard the testimony of Plaintiffs and having heard the representations of counsel, and the Court having approved of said settlement, ^{and for the reasons set forth in the record on January 22, 2007} for good cause shown, it is on this 22nd day of January, 2007

ORDERED that Plaintiffs' Petition is hereby granted, and that the proposed minor settlement, as described in Plaintiffs' Petition, settling all Plaintiffs' claims herein for the amount of \$ 900,000.00, is approved; and it is

FURTHER ORDERED that the net recovery herein of \$625,000.00 for Owen Langan be arranged in the form of periodic payments facilitated by purchase of an annuity from Allstate Life Insurance Company, an A+ rated life carrier by A.M. Best Rating Service. In accordance with the settlement and Release, the Defendants or their Assignee, shall make periodic payments to Owen Langan as follows:

- Period Certain Annuity - \$7,115.55 payable monthly, guaranteed for 15 year(s), which is 180 payments, beginning on 06/19/2020, with the last guaranteed payment on 05/19/2035, (\$1,280,799.00).
- Guaranteed Lump Sum - \$75,000.00 paid as a lump sum on 06/19/2016 guaranteed.
- Guaranteed Lump Sum - \$100,000.00 paid as a lump sum on 06/19/2023 guaranteed.
- Guaranteed Lump Sum - \$125,000.00 paid as a lump sum on 06/19/2028 guaranteed.
- Guaranteed Lump Sum - \$150,000.00 paid as a lump sum on 06/19/2033 guaranteed.

TOTAL ANNUITY: \$1,730,799.00

In the event of the death of the payee, any remaining payments due shall be payable as they become due to the estate of the payee, or to such designated beneficiary as outlined under the terms of the Settlement Agreement and Release with Defendants.

FURTHER ORDERED Liberty Insurance Corporation and American Guarantee & Liability Insurance Company ("Assignors") may make a qualified assignment under Section 130 of the Internal Revenue Code to Allstate Assignment Corporation of the obligation to make the periodic payments. If such an assignment is made, Allstate Assignment Company shall fund its obligation for such periodic payments by the purchase of an annuity contract from Allstate Life Insurance Company, which is rated A+ (XV) by A.M. Best, AA by Standard and Poors and Aa2 by Moody's. In accordance with the terms of said assignment, Allstate Assignment Company shall be substituted as obligor of such periodic payments for Assignors, who shall be released from any further obligation to make such periodic payments. Allstate Life Insurance Company shall issue a Statement of Guarantee for the payment obligation assigned to Allstate Assignment Company.

FURTHER ORDERED that the Defendants and or their Insurer are directed to fund the periodic payments outlined herein above, by check payment in the amount of \$625,000.00 to: Allstate Assignment Company.

FURTHER ORDERED that the Defendants and or their Insurer are directed to fund the additional payments outlined herein below by check payment in the amount of \$275,000.00 to: Marler Clark, LLP, PS:

- a. To Petitioners' attorneys, for litigation costs: \$58,615.10
- b. To Petitioners' attorneys, for attorney fees; \$191,384.90
- c. To Petitioners attorneys, in trust,
for resolution of medical subrogation lien: \$25,000.00

FURTHER ORDERED that the parties execute any and all additional settlement documents, including all necessary releases, needed to effectuate the periodic payments, the Uniform Qualified Assignment and Release Agreement, and the annuities issued by Allstate Life Insurance Company, as outlined in the Petition.

Dated this 22nd day of January, 2007


THE HONORABLE PATTY SHWARZ